U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Administrative Appeals Office (AAO)
20 Massachusetts Ave., N.W., MS 2090
Washington, DC 20529-2090

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Citizenship and Immigration Services

PUBLIC COPY

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[redacted]

DATE: JAN 1 0 2012 OFFICE: TEXAS SERVICE CENTER [redacted]

IN RE: Petitioner: [redacted]
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

[redacted]

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office in your case. All of the documents related to this matter have been returned to the office that originally decided your case. Please be advised that any further inquiry that you might have concerning your case must be made to that office.

If you believe the law was inappropriately applied by us in reaching our decision, or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. The specific requirements for filing such a request can be found at 8 C.F.R. § 103.5. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of $630. Please be aware that 8 C.F.R. § 103.5(a)(1)(i) requires that any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen.

Thank you,

Mai Johnson

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The Director, Texas Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The AAO will summarily dismiss the appeal.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner seeks employment as a physician at Memorial Sloan-Kettering Cancer Center, Bronx, New York. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner qualifies for classification as a member of the professions holding an advanced degree, but that the petitioner has not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

The AAO notes that the record contains a Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, naming [redacted] as the petitioner's attorney of record. There is no evidence, however, that counsel participated in the preparation or filing of the appeal.

The U.S. Citizenship and Immigration Services (USCIS) regulation at 8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, "[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

On the Form I-290B Notice of Appeal, filed on January 7, 2011, the petitioner indicated that a brief would be forthcoming within thirty days. To date, a year later, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision. The Form I-290B, therefore, constitutes the entire appeal.

On the appeal form, the petitioner states:

> no mention was made in the Decision Letter of the evidence for the impact of my past research work on medical practice throughout the nation, for which evidence was provided through letters from peers and experts in the field, as well as indirect evidence demonstrating the citation of my work by other scientific publications. In addition, no mention was made of the evidence submitted, showing the impact of my clinical work beyond the community which I serve.

The record of proceeding contains thousands of pages of documents; therefore, the petitioner's reference to "evidence . . . showing the impact of [his] clinical work" is too vague to establish which evidence the petitioner believes that the director overlooked.

Contrary to the petitioner's claim, the director discussed the "letters from peers and experts in the field." Quotations from nine of these letters take up two pages of the five-page decision. The director acknowledged that the petitioner submitted evidence of participation in medical research, but found that

the petitioner failed to demonstrate that the petitioner's work has influenced "current medical procedures performed in the field." The petitioner does not directly rebut this conclusion, instead offering only the general assertion that the director did not give sufficient consideration to the petitioner's unspecified "impact."

Because the petitioner has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the AAO must summarily dismiss the appeal.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not sustained that burden.

ORDER: The appeal is dismissed.